

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LADONNA HUNTER-DELAHO,

Plaintiff,

Civ. No. 20-77 WJ/GBW

v.

TRIPLE S TOWER, INC.,
a New Mexico Foreign Profit Corporation,
and MICROWAVE TRANSMISSION
SYSTEMS, INC.,
a New Mexico Foreign Profit Corporation,

Defendants.

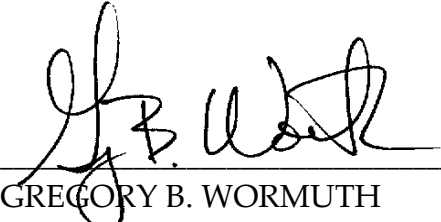
STIPULATED CONFIDENTIALITY AND PROTECTIVE ORDER

THIS MATTER comes before the Court on the parties' Joint Motion for Protective Order. *Doc. 31*. The Court, being sufficiently advised in the premises by the parties, DENIES the motion as it is made pursuant to a state rule of civil procedure that is not applicable in this Court.

A federal court sitting in diversity jurisdiction applies state substantive law and federal procedural law. *See Hanna v. Plumer*, 380 U.S. 460, 465 (1965). While the line between substance and procedure is difficult to draw at times, where the situation is covered by a Federal Rule of Civil Procedure, a federal court must apply that rule unless it violates the Enabling Act or the Constitution. *See Id.* at 471. Here, the Federal Rules of Civil Procedure provide authority and grounds for granting a protective order.

See Fed. R. Civ. P. 26(c). Therefore, the Court may not grant a protective order under NMRA Rule 1-026(c) as the parties so move. *See Hanna*, 380 U.S. at 471.

IT IS SO ORDERED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE